IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31707 of 2006(Y)

PETITIONERS:

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1. V.P.USHA, W/O.LATE P.D.SUDHI,
   PULLARKKAT HOUSE, CHOWARA, ALUVA.

2. P.S.JIBIN, S/O.LATE P.D.SUDHI,
   PULLARKKAT HOUSE, CHOWARA, ALUVA.

BY ADV. SRI.T.SETHUMADHAVAN

RESPONDENTS:

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1. THE REGIONAL TRANSPORT AUTHORITY,
   REPRESENTED BY ITS SECRETARY, ERNAKULAM.

2. THE REGISTERING AUTHORITY,
   SUB-REGIONAL TRANSPORT OFFICE, ALUVA.

3. AJITH KUMAR.P.,LAKSHMI NILAYAM,
   NEDUMBASSERY P.O., ERNAKULAM.

4. WIN MANOORAN,
   MANJOORAN HOUSE, KALLUNGAL LANE,
   KAZJID JUNCTION, ALUVA.

BY GOVERNMENT PLEADER SRI.M.A.FAYAZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.31707 of 2006-Y

Dated this the 30th day of November, 2006

JUDGMENT

The petitioners are the wife and son of late P.D.Sudhi. Sudhi purchased a Mahindra Scorpio on 28-8-2006. He wanted to get the fancy No. KL-41/4141. So, he obtained only temporary registration for the vehicle. But, before he could apply for the number, he died on 4-10-2006. But, the petitioners found that he has already prepared and kept the application ready with his signature. So, when they found that the turn for allotment of the fancy number was around the corner, they submitted that application on 27-10-2006 and requisite fee was also paid. There were two other claimants for the said number. So, all the applicants were called for hearing, on 20-11-2006. The second petitioner participated that meeting. But, the other applicants raised objections regarding the application submitted on behalf of a dead person and thereupon, the second petitioner was not allowed to participate in the auction. In view of the dispute raised by the other two claimants, the auction was adjourned to December, 2006. This writ petition is filed seeking a direction to

the second respondent, to permit the petitioners to participate in the auction, based on the petition filed in the name of late P.D.Sudhi, on 27-10-2006.

2. The application submitted on behalf of a dead person on 27-10-2006 with his signature is no application in the eye of law. Therefore, the petitioners are not entitled to take part in the auction. So, I find nothing illegal with the stand of the second respondent. The learned counsel prays that second respondent may be directed to consider the application submitted on behalf of late P.D.Sudhi on 27-10-2006. Since the said application is no application in the eye of law, no direction can be issued as prayed for, by the petitioner.

Accordingly, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS